United Nations S/2004/349

Security Council

Distr.: General
3 May 2004
Original: English

Letter dated 27 April 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities addressed to the President of the Security Council

In accordance with paragraph 23 of Security Council resolution 1526 (2004), I have the honour to transmit herewith the list of those States that have not submitted, by 31 March 2004, reports pursuant to paragraph 6 of resolution 1455 (2003), as well as an analytical summary of the reasons put forward by States for non-reporting (see annexes I and II). I should be grateful if the present letter and its annexes could be brought to the attention of the Council members and issued as a Security Council document as soon as possible.

(*Signed*) Heraldo Muñoz
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities

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Annex I

Report of the Al-Qaida and Taliban Sanctions Committee to the Security Council pursuant to paragraph 23 of resolution 1526 (2004)

I. Reporting requirements under paragraph 6 of resolution 1455 (2003)

1. Pursuant to paragraph 6 of its resolution 1455 (2003) of 17 January 2003, the Security Council called upon all States to submit an updated report to the Al-Qaida and Taliban Sanctions Committee no later than 90 days from the adoption of the resolution on all steps taken to implement the relevant sanctions measures and all related investigations and enforcement actions, including a comprehensive summary of frozen assets of listed individuals and entities within Member State territories, unless to do so would compromise investigations or enforcement actions. During the course of 2003, Member States were reminded of these obligations in three notes verbales from the Chairman.[1]

2. Pursuant to paragraphs 22 and 23 of its resolution 1526 (2004) of 30 January 2004, the Council requested all States that had not yet done so to submit to the Committee by 31 March 2004 the updated reports called for under paragraph 6 of resolution 1455 (2003). The Council further requested that all States that had not submitted these reports explain in writing to the Committee by 31 March their reasons for non-reporting. The Committee was requested to circulate to the Council a list of those States that had not submitted reports by that date, including an analytical summary of the reasons put forward by States for non-reporting. Member States were reminded of these obligations in two subsequent notes verbales from the Chairman.[2]

3. It should be noted that between the first note verbale on this issue, which was circulated to Member States in March 2003, and the deadline set for reporting in resolution 1526 (2004), more than one year has elapsed.

II. Status of reporting as of 31 March 2004

4. By 31 March 2004, the Committee had received 123 reports from Member States pursuant to paragraph 6 of resolution 1455 (2003). This represents an increase of 30 reports (more than 30 per cent) since the Chairman last reported to the Council on 12 January 2004. The reports can be found on the Committee's web site at: http://www.un.org/Docs/sc/committees/1267Template.htm. By 31 March 2004, the Committee had received 15 letters from States pursuant to paragraph 22 of resolution 1526 (2004) explaining their reasons for non-reporting. By 31 March 2004, 53 Member States had neither reported nor explained in writing their reasons for non-reporting. A list of the 68 non-reporting States follows (see annex II).

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[1] Notes verbales of 4 March 2003 (SCA/2/03(03)), 7 July 2003 (SCA/2/03(12)) and 21 November 2003 (SCA/2/03(24)).

[2] Notes verbales of 11 February 2004 (SCA/2/04(07)) and 10 March 2004 (SCA/2/04(10)).

III. Analytical summary of reasons put forward by Member States for non-reporting

5. While the basis for an analytical summary of the reasons put forward by States for non-reporting is limited, the 15 written explanations received do provide information which the Committee believes probably represents general trends within the non-reporting States. It should be noted that the written explanations are a useful tool for the Committee in assisting Member States in fulfilling their obligations under resolution 1526 (2004) and other relevant resolutions. The Committee cannot conclude that non-reporting is necessarily a question of lack of will or a lack of dedication in the fight against Al-Qaida and the Taliban. The written explanations allow the Committee to guide its attention to those States in need of assistance, and the Committee therefore encourages non-reporting States to continue to submit written explanations, as requested in paragraph 22 of resolution 1526 (2004), in spite of the fact that the 31 March 2004 deadline has now passed. Should States wish to submit a report, they are requested to contact either the Chair delegation (Carla Serazzi, tel: (212) 832-3323; fax: (212) 832-8714) or the Secretary of the Committee (Tatiana Cosio, tel: (212) 963-5279; fax: (212) 963-1300).

6. The written explanations underscore the 15 States' continued commitment to adhere to paragraph 6 of resolution 1455 (2003) since almost all of them informed the Committee that the requested report was forthcoming. One State noted that an extensive reporting process was already under way, in cooperation with the Counter-Terrorism Committee (CTC), pursuant to paragraph 6 of resolution 1373 (2001).

7. The magnitude of reporting obligations under the United Nations system was mentioned by one State as a reason for late reporting. In that connection, it should be noted that no additional reporting requirements were included in resolution 1526 (2004). The Committee has requested that the Analytical Support and Sanctions Monitoring Team review reports submitted to CTC by non-reporting States in an effort to answer as many of the questions posed in the Committee's guidelines referred to above as possible.

8. Most of the written explanations from non-reporting States cited a lack of resources, rendering it hard to submit the reports in a timely manner. The lack of resources covered institutional, technical, material and financial means, as well as human resources. One State mentioned delays in intergovernmental submissions as a reason for non-reporting. Three States also noted that they were either new countries or that they had only recently come out of conflict situations, placing even further restraints on their administrative capacities. Six States reported that they would provide their reports in the near future. The Committee finds it probable that many of the non-reporting States face similar difficulties and reiterates its call on States to seek the assistance of the Committee or the assistance provided through CTC.

9. In his briefing to the Security Council on 12 January 2004, the Chairman of the Committee elaborated on possible reasons why States had not yet submitted reports, such as a possible lack of political will, reporting fatigue, a lack of resources and technical capacity, and coordination difficulties at the national level. The Chairman also found it possible that some States had considered the submission guidelines to be too detailed and, in some cases, inapplicable to their situation. The limited information available regarding non-reporting to the Committee at this stage would seem to support most of those assumptions.

IV. Conclusions and way forward

10. Again, the Committee believes that a proper analysis of the reasons for non-reporting cannot be conducted on the basis of only 15 responses. The Committee continues to have a need to understand and verify these reasons and has therefore asked the Monitoring Team to pursue the matter. The Monitoring Team has been requested to contact a number of representatives of non-reporting States to discuss the reasons for their non-reporting and assist them to the furthest extent possible in providing the information needed.

11. Pursuant to paragraph 12 of resolution 1526 (2004), the Chairman of the Committee is requested to report orally to the Council by 30 May 2004. In conjunction with that request and pursuant to paragraph 15 of resolution 1455 (2003), the Committee, through its Chairman, intends to submit to the Council a written assessment of actions taken by States to implement the relevant measures. That report will provide the Council with an analytical assessment of all reports submitted by Member States pursuant to resolution 1455 (2003). Based on the work of the Monitoring Team, the Chairman will also at the same time reassess the reasons given by States for non-reporting. Furthermore, the Chairman will inform the Council of his own findings based on his planned travels to selected Member States.

12. The Committee continues to ascribe great importance to the submission of reports pursuant to paragraph 6 of resolution 1455 (2003). Those reports, even if submitted after the analytical assessment referred to above has been submitted to the Council, will continue to provide the Committee and the Monitoring Team with an invaluable tool for evaluating the level of implementation of the sanctions measures imposed on Al-Qaida and the Taliban and associated individuals and entities. The reports, together with the monitoring of the situation on the ground and other approaches to be devised by the Monitoring Team, will further enhance the work of the Committee. In its continued efforts to improve and better target those measures, the Committee relies heavily on the cooperation of and information provided by States. Reports from Member States are thus essential in the struggle against the scourge and threat that the individuals and entities concerned pose to the world community.

Annex II

Non-reporting States

States that have not reported pursuant to paragraph 6 of resolution 1455 (2003)

1. Antigua and Barbuda
2. Bhutan
3. Botswana
4. Burundi
5. Cambodia
6. Cameroon
7. Cape Verde
8. Chad
9. Comoros
10. Congo
11. Côte d'Ivoire
12. Democratic Republic of the Congo
13. Ethiopia
14. Equatorial Guinea
15. Fiji
16. Gabon
17. Georgia
18. Ghana
19. Grenada
20. Guinea-Bissau
21. Haiti
22. Iraq
23. Kenya
24. Kiribati
25. Liberia
26. Madagascar
27. Malawi
28. Mali
29. Mauritania
30. Micronesia (Federated States of)

31. Mozambique
32. Nauru
33. Niger
34. Nigeria
35. Palau
36. Papua New Guinea
37. Saint Kitts and Nevis
38. Saint Lucia
39. Saint Vincent and the Grenadines
40. Samoa
41. Sao Tome and Principe
42. Seychelles
43. Sierra Leone
44. Sudan
45. Suriname
46. Swaziland
47. Trinidad and Tobago
48. Tuvalu
49. Uganda
50. United Republic of Tanzania
51. Vanuatu
52. Zambia
53. Zimbabwe

States that have submitted a communication pursuant to paragraph 22 of resolution 1526 (2004) explaining their reasons for non-reporting

1. Andorra
2. Barbados
3. Bolivia
4. Burkina Faso
5. Central African Republic
6. Costa Rica
7. Dominican Republic
8. Guyana
9. Libyan Arab Jamahiriya

10. Oman
11. Rwanda
12. Solomon Islands
13. Togo
14. Timor-Leste
15. Uruguay